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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,964	06/26/2000	Tomoaki Watahiki	33216M047	1961

7590

07/02/2003

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

94

Office Action Summary

Applicant(s)

09/603,964

WATAHIKI ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2 & 4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 are presented for examination.
2. Figures 8 and 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (please see specification, pages 1-3). See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US 6,532,589 B1), hereinafter Proehl, in view of Shaheen et al. (US 6,374,109 B1), hereinafter Shaheen.
5. As to claim 1, Proehl discloses the invention substantially as claimed, including a resource reservation management apparatus for AV network that manages equipment

Art Unit: 2154

resources connected to a network (col. 1, lines 8-13 and 17-19; col. 6, line 61 – col. 7, line 23), comprising:

EPG processing means for acquiring starting/ending time information of a broadcast program from EPG (electronic program guide; fig. 5; col. 5, lines 39-40 and 55-61) that is sent while being superimposed on the broadcast wave (708, fig. 7; col. 1, lines 44-46; col. 2, lines 41-43; col. 7, lines 56-61); and

frequency band information processing means for acquiring the frequency band information of the broadcast program (col. 5, lines 45-54);

frequency band resource management means for performing time management of the frequency band resource of the AV network by using a resource reservation management table (col. 6, lines 8-14 and 38-46);

a controller (fig. 3; 400, fig. 4; 912, fig. 9) that, upon receiving a reservation request, acquires the frequency band of a reserved program of the request from said frequency band information processing means and the starting/ending time information of the reserved program from said EPG processing means and, with reference (i.e. pointer) to said resource reservation management table (fig. 6; col. 5, line 62 – col. 6, line 14), when the frequency band can be allocated, reservation of the frequency band is registered in said resource reservation management table (920, 924, fig. 9; col. 8, lines 7-10), and

communication via a communication interface (col. 3, lines 13-18) using allocated secured frequency band is carried out when the start time of the reserved program is reached (col. 3, lines 44-50; col. 6, line 61 – col. 7, line 11).

Art Unit: 2154

6. Proehl does not specifically disclose determining whether the frequency band of the reserved program can be allocated. However, Shaheen discloses determining whether the frequency band of the reserved program can be allocated (col. 3, lines 34-36; col. 8, lines 27-36; col. 9, lines 54-60; col. 14, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Proehl and Shaheen because Shaheen's detecting frequency allocation availability would improve the bandwidth utilization by allowing the user to make full use of the available frequency bandwidth, thereby improve data throughput.

7. As to claim 2, Proehl discloses the frequency band information of the broadcast program with superimposed on said broadcast wave (708, fig. 7; col. 1, lines 44-46; col. 2, lines 41-43; col. 7, lines 56-61).

8. As to claims 3-6, Proehl discloses the frequency band information processing means acquires the frequency band information of said broadcast program via the Internet (col. 3, lines 16-18), from communication equipment (col. 3, lines 13-15), recording medium (col. 3, lines 15-16), or from information input by a user (col. 4, lines 63-66; col. 5, lines 16-18 and 34-36).

9. As to claims 7 and 8, Proehl does not specifically disclose providing a non-reservable frequency band. However, Shaheen discloses available bandwidth information within at least one frequency band of the plurality of frequency bands (col. 3,

Art Unit: 2154

lines 34-36; col. 8, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Proehl and Shaheen because Shaheen's frequency availability would improve the bandwidth utilization by allowing the user to make full use of the available frequency bandwidth, thereby improve data throughput.

10. As to claims 9 and 10, Proehl further discloses a medium (25a, 36, fig. 2; 51, fig. 5) that carries programs and/or data for achieving all or part of the means of the resource reservation management apparatus (col. 5, lines 39-61; col. 6, lines 15-17 and 38-46) and can be processed by means of a computer (29, fig. 2; col. 6, lines 8-14).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

McClard, patent 6,438,752 B1, Zumkeller, patent 6,178,175 B1, Oz et al, patent 6,434,141 B1, Van De Kerkhof, patent 5,850,418, Arnold et al, patent 5,884,181, Morrison, patent 5,900,915, Usui et al, patent 6,305,018 B1 disclose method and system for selecting television programs from an electronic programming guide.

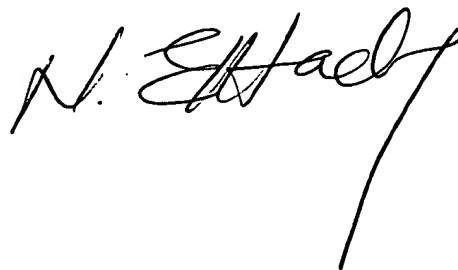
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
June 25, 2003

A handwritten signature in black ink, appearing to read "N. E. Hadley". The signature is written in a cursive style with a long, sweeping vertical line extending downwards from the end of the name.